

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claim 21 Applicant respectfully submits no new matter has been added. Accordingly, claims 21-41 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Examiner Objections - Claims

Claim 21 was objected to because of informalities. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claim as suggested by the Examiner in order to correct the informalities. The Examiner's consideration of the amended claim is respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 21-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taskett (US 5,991,748) in view of Official Notice. The rejection of claims 28-35 are discussed in the Detailed Action and the same art and rationale is applied to the rejection of claims 21-27 and 36-41 which recite similar limitations. The Applicant respectfully traverses the rejection of these claims.

The Applicant respectfully directs the Examiner's attention to independent claim 28.

28. (Previously Presented) A method of paying for calls and services utilizing an intelligent network (IN), the method comprising:
 purchasing a voucher or cash instrument associated with an amount stored in a voucher record in a voucher database, the voucher or cash instrument having an identifier and a secret code;
 a user initiating a prepaid call to a called party,
 the IN routing the call to a prepaid service,
 identifying the caller,
 determining the balance in a prepaid account associated with the user in a user account database, wherein the IN connects the caller to the called party and

if the prepaid account is empty, notifying the caller to load an additional amount to the prepaid account associated with the user, whereupon the user connects to a loading service of the IN; and
the user providing the identifier and the secret code for accessing the voucher record in the voucher database, wherein all or part of the amount in the voucher record is then sent via the loading service to the prepaid user account. (emphasis added)

The Applicant respectfully asserts that Taskett does not disclose, teach or suggest above the emphasized limitations.

The Applicant's invention discloses a method for paying for calls and services with anonymous funds, if you will, that are not connected to a particular user. A voucher database contains records of paid for vouchers with voucher identifiers and associated secret access codes. The amounts in the voucher records can be transferred to a user account with the presentation of an identifier of the voucher and the secret code. The voucher is not associated with the voucher purchaser except that the identifier and secret code are provided to a purchaser of the voucher. Any user with the identifier and the secret code can access and remove the amount in the voucher record.

A loading service that is operationally connected to an intelligent network can be accessed to accomplish a loading of a requested amount of balance from the voucher account into a user account of an individual user that supplies the voucher identifier and the secret code. The loading stage includes steps of decreasing the requested amount from a voucher record in the intelligent network and loading a corresponding amount of balance into the user account of the user requesting the loading operation.

The Taskett reference discloses a system for adding funds to a prepaid account. An integrated transaction card is issued to a consumer with one side of the card showing a prepaid telephone card and the other side being a transaction account (credit card, debit card or the like). The basic premise of the Taskett reference is the use of the transaction card to easily transfer funds from the transaction account to the prepaid phone card account (Abstract).

Taskett monitors connections during a call and if a threshold (say, a minute of paid time remains in a user's account) is reached, the system asks the user to authorize transfer of funds from the transaction card account to the prepaid phone card account.

A comparison is made between the transaction card of Taskett and the voucher or cash instrument. A voucher or cash instrument is for a set amount and once the voucher or cash instrument is exercised, a new voucher must be acquired. The transaction card account is an account that is not replenished by purchased vouchers and is personally associated with the user. If it is a credit card account, there is a credit limit assigned to the user. If it is a debit card, there is an account (typically a checking account) associated with the user containing funds. Comparing a voucher/voucher database with the transaction card; if the transaction card is a debit card, the associated checking account may be replenished, but a voucher either still has a balance or not and a new voucher must be purchased. In other words, a voucher could not be used in the Taskett system as it defeats the purpose of the patent; easy funds transfer.

Furthermore, regarding the limitation of the prepaid account of the user being empty, the IN notifies the caller to load more from the anonymous voucher database. The user sets the funds transfer in motion by providing the secret code to the voucher database (not associated with the user).

The Examiner admits that additional elements of claims 28-35 are not taught by Taskett and has used "official notice" to justify this rejection. For example, in claim 29 Official Notice is taken that third party payment is old and well known. The Applicant discloses a database that is funded by a source not connected with the user from which funds are transferred to the user's account and payment is made from the user's account, not a third party.

As the Examiner is aware, in order to preserve the Applicant's right to traverse this assertion in later actions, the Applicant must traverse these assertions in this Office Action. Therefore, the Applicant respectfully objects to the Examiner's use of official notice. Under MPEP § 2144.03, official notice may only be taken of "facts outside of the record which are capable of instant and unquestionable demonstration as being 'well-known' in the art." When a rejection is based on facts within the personal knowledge of the Examiner, the facts must be as specific as possible, and the reference must be supported, when called for by the Applicant, by an affidavit of the Examiner, which may be subject to explanation by the Applicant. 37 CFR 1.104(d)(2).

Pursuant to 37 CFR 1.104(d)(2), the Applicant respectfully requests the Examiner provide such supporting facts and evidence in the form of an affidavit, so that, if necessary, the Applicant may have a chance to explain the reference in later actions.

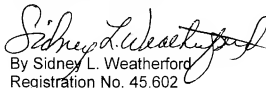
The Applicant respectfully requests the rejection of claims 28-35 be withdrawn. Regarding claims 21-27 and 36-41 which recite similar limitations, based on the same rationale recited above, the Applicant respectfully submits that withdrawal of the rejection of claims 21-27 and 36-41 should be made for the same reasons as claims 28-35.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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